

Doc Code: AP.PRE.REQ

PTO/SB/33 (07-05)

Approved for use through xx/xx/200x. OMB 0651-00xx

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

P-2177

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]

on EFS-web -- 5 March 2007

Signature /James D. Ivey/

Typed or printed name James D. Ivey

Application Number

09/888,222

Filed

22 June 2001

First Named Inventor

Samuel Yin Lun Pun

Art Unit

2654

Examiner

Angela A. Armstrong

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.  
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.  
(Form PTO/SB/96)

☒ attorney or agent of record. Registration number 37,016

☐ attorney or agent acting under 37 CFR 1.34.  
Registration number if acting under 37 CFR 1.34 \_\_\_\_\_

/James D. Ivey/

Signature

James D. Ivey

Typed or printed name

(510) 336-1100

Telephone number

5 March 2007

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.  
Submit multiple forms if more than one signature is required, see below\*.

☐ \*Total of \_\_\_\_\_ forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

<b><i>REASONS IN SUPPORT OF REQUEST FOR PRE-APPEAL CONFERENCE</i></b>	Serial Number	09/888,222
	Filing Date	June 22, 2001
	Title	Japanese Language Entry Mechanism for Small Keypads
	First Named Inventor	Samuel Yin Lun Pun
	Examiner	Angela A. Armstrong
	Art Unit	2654
	Attorney Docket	P-2177

Mail Stop AF  
Hon. Assistant Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

March 5, 2007

Dear Sirs:

**REASONS IN SUPPORT OF REQUEST FOR PRE-APPEAL CONFERENCE**

The Examiner rejected Claims 1-40 under Section 103(a) as being unpatentable over Nakayama et al. (U.S. Patent 4,531,119) in view of Krueger et al. (U.S. Patent 5,999,950) and Grover (U.S. Patent 5,818,437) and – with respect to Claims 25, 26, and 28 – Ho et al. (US Patent 6,307,541). Applicant respectfully traverses this rejection and requests reconsideration and withdrawal of this rejection.

Claim 1 recites “receiving one or more signals generated by the user which specify one or more phonetic symbol categories each of which includes one or more syllables and at least one of which includes two or more syllables.” The Examiner cited Table 5 in column 5 of Krueger et al. as teaching that user-generated signals can represent at least one phonetic symbol category that includes two or more syllables. However, nowhere in Table 5 or in the accompanying text does Krueger et al. teach or suggest that the user can specify a phonetic symbol category of two or more syllables. Instead, Krueger et al. teach that a user can specify a single syllable unambiguously by pressing a given key a given number of times. In particular, the user of the system of Krueger et al. can specify hiragana “ha” *or* hiragana “ba” *or* hiragana “pa” but cannot

specify a phonetic symbol category that includes “ha”, “ba”, *and* “pa.” Claim 1 is therefore allowable. Claims 2-40 directly or indirectly recite similar language and are therefore similarly allowable.

Claim 2 recites that “the one or more phonetic symbol categories are each associated with a respective distinct consonant by including all syllables that include the respective distinct consonant.” The only teaching cited by the Examiner in support of rejecting Claim 2 is Nakayama et al. at column 3, lines 4-10. That paragraph of Nakayama et al. only describes which keys can be pressed to select from a number of candidate kanji derived from user-specified kana. Nothing in the cited passage teaches or suggests that a phonetic symbol category includes all syllables that include a particular consonant. As an illustration, Figure 3 of Nakayama et al. shows that each of the 5 kana that includes a “k” consonant sound is represented by a respective, different key: T = “ka”; G = “ki”; B = “ko”; H = “ku”; and \* = “ke”. Nakayama et al. neither teach nor suggest any way that a user can specify a group that includes all of those syllables that include the “k” consonant sound. Claim 2 is therefore allowable for this additional reason. Claims 3-4, 10-12, 18-20 directly or indirectly recite similar language and are therefore similarly allowable.

Claim 29 recites that “each of the one or more phonetic symbol categories corresponds to a distinct respective row of a fifty sounds table.” As discussed above with respect to Claim 2, Nakayama et al. neither teach nor suggest any way that a user can specify a group that includes more than one syllable – i.e., that is ambiguous. Instead, Nakayama et al. teach only unambiguous user specification of syllables. Claim 29 is therefore allowable for reasons similar to those given above with respect to Claim 2. Claims 33 and 37 recite similar subject matter and are therefore similarly allowable.

Applicant therefore respectfully submits that all pending claims are allowable over any combination of Nakayama et al. with Krueger et al., Grover et al., and Ho et al., assuming *arguendo* that such combination is properly motivated in the prior art. Claims 1-40 are therefore allowable.

Respectfully submitted,  
*/James D. Ivey/*

James D. Ivey  
Attorney for Applicant  
Reg. No. 37,016

**LAW OFFICES OF JAMES D. IVEY**

3025 Totterdell Street  
Oakland, California 94611-1742  
Voice: (510) 336-1100  
FACSIMILE: (510) 336-1122

/home/james/Remote/IveyLaw/LawPractice/Files/2177p/13 Notice of Appeal/PreAppealConfArgs.sxw